

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AUSTIN KADE GOINGS,

Defendant.

**CR-19-83-GF-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on December 14, 2022. (Doc. 84.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on December 13, 2022. (Doc. 80.) The United States accused Austin Goings, (Goings) of violating his conditions of supervised release 1) by failing to comply with the terms of his sex offender treatment program; 2) by failing to report for sex offender treatment on three separate occasions; 3) by failing to report for substance abuse treatment on three separate occasions; 4) by failing to notify his probation officer of a contact with law enforcement; and 5) by failing to reside at a place approved by his probation officer. (Doc. 78.)

At the revocation hearing, Goings admitted to violating the conditions of his supervised release 1) by failing to comply with the terms of his sex offender treatment program; 2) by failing to report for sex offender treatment on three separate occasions; 3) by failing to report for substance abuse treatment on three separate occasions; 4) by failing to notify his probation officer of a contact with law enforcement; and 5) by failing to reside at a place approved by his probation officer. (Doc. 80.) Judge Johnston found that the violations Goings admitted proved to be serious and warranted revocation, and recommended revocation of Goings' supervised release and recommended a custodial sentence of 3 months, with 57 months of supervised release to follow with the first 60 days of supervised release in a secure inpatient drug treatment facility, such as Connections Corrections in Butte, Montana. Goings should be required to be employed at least 30 hours per

week while on supervised release. (Doc. 84.) Goings was advised of his right to appeal and his right to allocute before the undersigned and he waived those rights. (Doc. 80.) The violations prove serious and warrant revocation of Goings' supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 84) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Austin Cade Goings be sentenced to the Bureau of Prisons for 3 months, with 57 months of supervised release to follow, with the first 60 days of supervised release in a secure inpatient drug treatment facility such as Connections Corrections in Butte, Montana. Goings is required to be employed at least 30 hours per week while on supervised release.

DATED this 3rd day of January, 2023.

A handwritten signature in blue ink that reads "Brian Morris".

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Brian Morris, Chief District Judge  
United States District Court